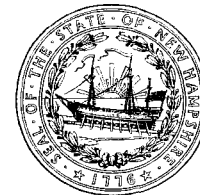




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

January 26, 2006

David V. Rowell
Chief Operating Officer
Foss Manufacturing Company, Inc.
P.O. Box 5000
Hampton, New Hampshire 03843-5000

**CERTIFIED MAIL (7099 3400 0018 1290 6559)
RETURN RECEIPT REQUESTED**

**NOTICE OF PAST VIOLATION
(Sta.S)**

Dear Mr. Rowell:

On July 31, 2003, the New Hampshire Department of Environmental Services, Air Resources Division ("DES") conducted a compliance inspection of the Foss Manufacturing Company, Inc. ("Foss") facility at 380 Lafayette Road in Hampton, New Hampshire. The purpose of the inspection was to determine Foss's compliance with NH Admin. Rules Env-A 100 *et seq.*, Title V Operating Permit TV-OP-038 (the "TV Permit"), issued December 6, 2001, and Temporary Permit FP-T-0034 ("the Temporary Permit"), issued May 28, 1999, expired November 30, 2000, but its conditions stayed in effect until the TV Permit was issued. On October 12, 2004, DES issued a Notice of Findings, in which possible violations were noted and additional information was requested. Foss responded by letter dated November 12, 2004. The purpose of this letter is to notify you of the violations discovered during the inspection and file review. The specific violations are as follows:

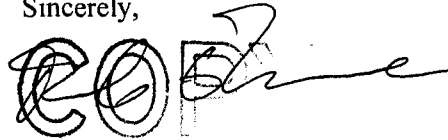
1. Temporary Permit Condition III.E. Normal Operating Limitations, Item 1.b., limited #2 diesel fuel oil consumption for Engines #1 through #6, combined, to no more than 1,085,452 gallons during any consecutive 12-month period after Engine #8 became operational. NOx emission rates were calculated using fuel use records, and this limit was calculated to result in a NOx emission cap of 103.5 tons for any consecutive 12-month period. Engine #8 became operational on December 31, 1999. Records of rolling monthly fuel consumption show that the fuel consumption limit and, therefore, the NOx emission cap for these engines were exceeded from January through September 2000. See Attachment.
2. Temporary Permit Condition IV.B. Emissions Limitations, Table 2, limited NOx emissions from Engine #7 to 42.5 tons per consecutive 12-month period. Rolling monthly NOx emissions were calculated to exceed the permit limit from May through July 2001. NOx emissions from Engine #7 were 45 tons for the 12-month period ending in May, 2001, 46 tons for the 12-month period ending in June, 2001, and 45.7 tons for the 12-month period ending in July, 2001.
3. TV Permit Condition VIII.D. Monitoring and Testing Requirements, Table 6, Item 1, requires Foss to conduct annual visual inspections of each stack and fuel-burning device. Foss is required to keep records of these inspections and subsequent maintenance, if any, as a result of these inspections. During the July 31, 2003 inspection, DES discovered that records were not being kept of these visual inspections. After the inspection, Mr. Gerard Lambert of Foss informed the DES inspector that he had developed a log sheet to record the inspections.

DES recognizes the efforts that Foss has taken to come into compliance. Accordingly, no further action in response to the listed violations is required.

DES requests that Foss comply with all future obligations contained in the TV Permit and wants to remind Foss that the annual emissions report and emission fee payment for calendar year 2005 emissions are both due by April 15, 2006. In the event that other violations are identified, DES may take action against Foss, including issuing an administrative order, seeking administrative fines, and/or referring this matter to the NH Department of Justice.

If you believe that DES has cited these violations in error, or have questions regarding these matters, please contact Barbara Hoffman at (603) 271-7874, Air Resources Division, Compliance Bureau. A current copy of the Air Resource Division rules can be obtained from the DES website at <http://www.des.nh.gov/rules/air.htm> or by contacting the Public Information Center at (603) 271-2975.

Sincerely,

A handwritten signature in black ink, appearing to read 'P. Monroe', with a stylized flourish at the end.

Pamela G. Monroe
Compliance Bureau Administrator
Air Resources Division

PGM/blh

Attachment

cc: R. Kurowski, EPA Region 1
G. Hamel, NHDES Legal Unit Administrator
Patrick J. O'Malley, Foss Bankruptcy Trustee
James S. Barrington, Hampton Town Manager
Source File AFS #3301500076

ATTACHMENT

#2 DIESEL FUEL CONSUMPTION FOR ENGINES #1 - #6

Month in 2000	12-Month Consumption
January	1,150,680
February	1,158,300
March	1,176,410
April	1,172,870
May	1,177,312
June	1,180,950
July	1,177,281
August	1,155,641
September	1,107,791

Fuel Consumption Limit: 1,085,452 gallons per consecutive 12-month period.